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Application No. 10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

REMARKS

The Office Action mailed June 13, 2006 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-82 are pending in the application. Claims 1, 3, 7, 11, 24, 30, 46, 52, 56, 58, 67 and 71 have been amended by this response. No claims have been canceled. Therefore, claims 1-82 are pending in the application and submitted for reconsideration. Support for these claims can be found throughout the specification, for example, paragraphs [0047] through [0052], and [0057].

In addition, Applicant would like to thank Examiner Nasser for his comments and suggestions in the examiner interview.

This amendment adds, changes or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

OBJECTION

Claims 1, 7, 30, 52 and 71 have been objected to due to formalities. These claims have been amended to overcome the objection.

DOUBLE PATENTING REJECTIONS

The Examiner has provisionally rejected claims 1-23 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-23 of copending U.S. Serial No. 11/221,873. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner has provisionally rejected claims 24-45 under 35 U.S.C. § 101 as claiming the same invention as that of claims 24-45 of copending U.S. Serial No. 11/221,807 [serial number correction noted by examiner during the interview]. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

The Examiner rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 5,307,263 in view of Dunning 4,296,756. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-51 of U.S. Patent No. 5,899,855 in view of Dunning 4,296,756. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner provisionally rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 34-138 of copending Application No. 09/237,194 in view of Dunning 4,296,756. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner provisionally rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-51 of copending Application No. 10/981,872 in view of Dunning et al. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner provisionally rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-89 of copending Application No. 11/004,135 in view of Dunning et al. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner provisionally rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-64 of copending Application No. 11/004,134. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

The Examiner provisionally rejected claims 1-82 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-56 of copending

Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

Application No. 11/119,335 in view of Dunning et al. Applicant respectfully requests this rejection be held in abeyance until the indication of allowable subject matter.

§ 102 REJECTIONS

The Examiner rejected claims 46-51, 53-55, 61-63 and 65 under 35 U.S.C. 102 (b) as being anticipated by Dunning et al. 4,296,756. Applicant respectfully traverses this rejection.

Dunning discloses a pulmonary function tester in which data from the device is sent to a remote computer. (col. 7, 11. 37-40). The operator feedback disclosed by Dunning refers to the mimicking of the operator's input on a plasma display. (col. 8, 11. 6-10). Dunning neither teaches nor suggests any communication from a healthcare professional computer to the patient via a central server. Independent claim 46 has been amended to include the feature that the microprocessor "receive instructions from the central server for execution in the at least one microprocessor." This feature is neither taught nor suggested by Dunning. Therefore Dunning does not anticipate claim 46 or any of its rejected dependent claims.

§ 103 REJECTIONS

The Examiner rejected claims 1-10, 13-16 and 19-22 under 35 U.S.C. 103(a) as being unpatentable over Bornn et al. 5,348,008 in view of Fujimoto 5,339,821. Applicant respectfully traverses this rejection.

In the office action, the examiner identified Bornn's base station 4000 as a central server. The base station of Bornn, however, more accurately corresponds to the management unit of the present invention. Bornn discloses two configurations for his alert system. (col. 6, 11. 45 to col. 7, 11. 55; col. 7, 11. 68-col. 8, 11. 45). In the hospital configuration, an alert is sent from the patient unit to the base station. The base station forwards the alert to a nurse's station, the nurse's station pages a nurse. If necessary, the nurse's unit opens a voice channel to the patient. In the home configuration, an alert is sent from the patient unit to the base station. The base station forwards the alert to a dispatcher. The dispatcher can request patient data from the base station or open a voice link to the patient.

Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

Fujimoto discloses a home medical system with a home unit 8 and a host computer 5 on the medical institution side. (col. 2, 11. 50-55). Nowhere does Fujimoto disclose or suggest remote healthcare professional computers. Thus, Fujimoto does not suggest communication from healthcare professional to patient via server.

Independent claim 1 has been amended to include the feature of sending "at least one message from the health care profession computer through the central server to the at least one microprocessor-based subsystem." This feature is neither taught nor suggested by Bornn or Fujimoto. Therefore, the combination of Bornn and Fujimoto does not render obvious claim 1 or any of the claims that depend on claim 1.

The Examiner rejected claims 1-10, 13-16 and 19-22 under 35 U.S.C. 103 (a) as being unpatentable over Bornn et al 5,348,008 in view of Pennock 4,960,187 and Fujimoto 5,339,821. Applicant respectfully traverses this rejection.

Independent claim 1 has been amended to include the feature of sending "at least one message from the health care profession computer through the central server to the at least one microprocessor-based subsystem." This feature is neither taught nor suggested by Bornn, Pennock, or Fujimoto at least for the reasons discussed above. Therefore, the combination of Bornn, Pennock, and Fujimoto does not render obvious claim 1 or any of the claims that depend on claim 1.

The Examiner rejected claims 11, 12, 17, 18 and 23 under 35 U.S.C. 103(a) as being unpatentable over Bornn et al. in view of Fujimoto, as applied to claims 1-10, 14-16 and 19-22 above, and further in view of Rosenthal et al. 5,077,476. Applicant respectfully traverses this rejection.

Independent claim 1 has been amended to include the feature of sending "at least one message from the health care profession computer through the central server to the at least one microprocessor-based subsystem." This feature is neither taught nor suggested by Bornn, Fujimoto, or Rosenthal. Therefore, the combination of Bornn, Fujimoto and Rosenthal does not render obvious claim 1 or any of the claims that depend on claim 1.

Application No. 10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

The Examiner rejected claims 11, 12, 17, 18 and 23 under 35 U.S.C. 103(a) as being unpatentable over Bornn et al. in view of Pennock and Fujimoto as applied to claims 1-10, 14-16 and 19-22 above, and further in view of Rosenthal et al. Applicant respectfully traverses this rejection.

Independent claim 1 has been amended to include the feature of sending "at least one message from the health care profession computer through the central server to the at least one microprocessor-based subsystem." This feature is neither taught nor suggested by Bornn, Fujimoto, Pennock, or Rosenthal. Therefore, the combination of Bornn, Fujimoto, Pennock and Rosenthal does not render obvious claim 1 or any of the claims that depend on claim 1.

The Examiner rejected claims 24-33 and 35-44 under 35 U.S.C. 103(a) as being unpatentable over Fujimoto in view of Dunning et al. 4,296,756. Applicant respectfully traverses this rejection.

Fujimoto discloses a home medical system with a home unit 8 and a host computer 5 on the medical institution side. (col. 2, 11. 50-55). Nowhere does Fujimoto disclose or suggest remote healthcare professional computers. Thus, Fujimoto does not suggest communication from healthcare professional to patient via server.

Dunning discloses a pulmonary function tester in which data from the device is sent to a remote computer. (col. 7. 11. 37-40). The operator feedback disclosed by Dunning refers to the mimicking of the operator's input on a plasma display. (col. 8, 11. 6-10). Dunning neither teaches nor suggests any communication from a healthcare professional computer to the patient via a central server.

Independent claim 24 has been amended to include the feature of "receiving instructions from the central server for execution in the microprocessor-based subsystem." This feature is neither taught nor suggested by Fujimoto above or in combination with Dunning. Therefore, the combination of Fujimoto and Dunning does not render obvious claim 24 or any of the claims that depend on claim 24.

Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

The Examiner rejected claims 34 and 45 under 35 U.S.C. 103(a) as being unpatentable over Fujimoto in view of Dunning et al., as applied to claims 25-33 and 35-43 above, and further in view of Rosenthal et al. 5,077,476.

Independent claim 24 has been amended to include the feature of "receiving instructions from the central server for execution in the microprocessor-based subsystem." This feature is neither taught nor suggested by Fujimoto, Dunning, or Rosenthal. Therefore, the combination of Fujimoto, Dunning, and Rosenthal does not render obvious claim 1 or any of the claims that depend on claim 24.

The Examiner rejected claims 52, 58, 59 and 60 under 35 U.S.C. 103(a) as being unpatentable over Dunning et al. in view of Fujimoto. Applicant respectfully traverses this rejection.

Dunning discloses a pulmonary function tester in which data from the device is sent to a remote computer. (col. 7, 11. 37-40). The operator feedback disclosed by Dunning refers to the mimicking of the operator's input on a plasma display. (col. 8, 11. 6-10). Dunning neither teaches nor suggests any communication from a healthcare professional computer to the patient via a central server.

Fujimoto discloses a home medical system with a home unit 8 and a host computer 5 on the medical institution side. (col. 2, 11. 50-55). Nowhere does Fujimoto disclose or suggest remote healthcare professional computers. Thus, Fujimoto does not suggest communication from healthcare professional to patient via server.

Independent claim 46 has been amended to include the feature that the microprocessor "receive instructions from the central server for execution in the at least one microprocessor." This feature is neither taught nor suggested by Fujimoto or Dunning. Therefore, the combination of Fujimoto and Dunning does not render obvious claim 46 or any of the claims that depend on claim 46.

Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N/US

The Examiner rejected claims 56, 57, 66-70, 73, 74, and 78-82 under 35 U.S.C. 103(a) as being unpatentable over Dunning et al. in view of Rosenthal et al. 5,077,476. Applicant respectfully traverses this rejection.

Dunning discloses a pulmonary function tester in which data from the device is sent to a remote computer. (col. 7, 11. 37-40). The operator feedback disclosed by Dunning refers to the mimicking of the operator's input on a plasma display. (col. 8, 11. 6-10). Dunning neither teaches nor suggests any communication from a healthcare professional computer to the patient via a central server.

Independent claim 46 has been amended to include the feature that the microprocessor "receive instructions from the central server for execution in the at least one microprocessor," while independent claim 67 has been amended to include the feature that at least the microprocessor "receive instructions from the central server for execution in the microprocessor-based subsystem." These features are neither taught nor suggested by Dunning or Rosenthal. Therefore, the combination of Dunning and Rosenthal does not render obvious claims 46 or 67 or any of the claims that depend on claims 46 or 67.

The Examiner rejected claim 64 under 35 U.S.C. 103(a) as being unpatentable over Dunning et al. Applicant respectfully traverses this rejection.

Independent claim 46 has been amended to include the feature that the microprocessor "receive instructions from the central server for execution in the at least one microprocessor." This feature is neither taught nor suggested by Dunning. Therefore, Dunning does not render obvious claim 46 or claim 64 that depends on claim 46.

The Examiner rejected claims 71, 72 and 75-77 under 35 U.S.C. 103(a) as being unpatentable over Dunning et al. in view of Rosenthal et al., as applied to claims 56, 57, 66-70, 73, 74, 78, 79 and 81-82 above further in view of Fujimoto. Applicant respectfully traverses this rejection.

Dunning discloses a pulmonary function tester in which data from the device is sent to a remote computer. (col. 7, 11. 37-40). The operator feedback disclosed by Dunning refers to

Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N9US

the mimicking of the operator's input on a plasma display. (col. 8, 11. 6-10). Dunning neither teaches nor suggests any communication from a healthcare professional computer to the patient via a central server.

Fujimoto discloses a home medical system with a home unit 8 and a host computer 5 on the medical institution side. (col. 2, 11. 50-55). Nowhere does Fujimoto disclose or suggest remote healthcare professional computers. Thus, Fujimoto does not suggest communication from healthcare professional to patient via server.

Independent claim 67 has been amended to include the feature that at least the microprocessor "receive instructions from the central server for execution in the microprocessor-based subsystem." This feature is neither taught nor suggested by Dunning alone or in combination with Rosenthal or Fujimoto. Therefore, the combination of Dunning and Rosenthal does not render obvious claim 67 or any of the claims that depend on claim 67.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the pending claims are in condition for allowance. Entry of this amendment and an early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

If any fees are deemed necessary, including any fees required under 37 C.F.R. § 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-2228 under Order No. 014030.0110N9US from which the undersigned is authorized to draw.. Further, if these papers


Application No.10/605,547
Amendment dated September 13, 2006
Reply to Office Action dated June 13, 2006

Docket No.: 014030.0110N7US

are not considered timely filed, then a request is hereby made under 37 C.F.R. § 1.136 for the necessary extension of time.

Dated: September 13, 2006

Respectfully submitted,

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